



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: October 19, 2016
AGENDA DATE: October 26, 2016
PROJECT ADDRESS: 243 Salida Del Sol (MST2016-00312)
TO: Susan Reardon, Senior Planner, Staff Hearing Officer
FROM: Planning Division, (805) 564-5470, ext. 4531
Beatriz Gualarte, Senior Planner *BEG*
Kelly Brodison, Assistant Planner *LAB*

I. PROJECT DESCRIPTION

The project consists of a proposal to convert 600 square feet of the existing residence to a secondary dwelling unit and construct 28.5 lineal feet of retaining wall (maximum height 26") to create one uncovered parking space. The lot is developed with a 2,827 square foot two-story residence with a 398 square foot attached two car garage. The 8,546 square-foot lot is located in the Single Family Residence and Coastal Zones (E-3/SD-3) of the City of Santa Barbara and has a General Plan and Coastal Land Use Designation of Residential, 5 units per acre.

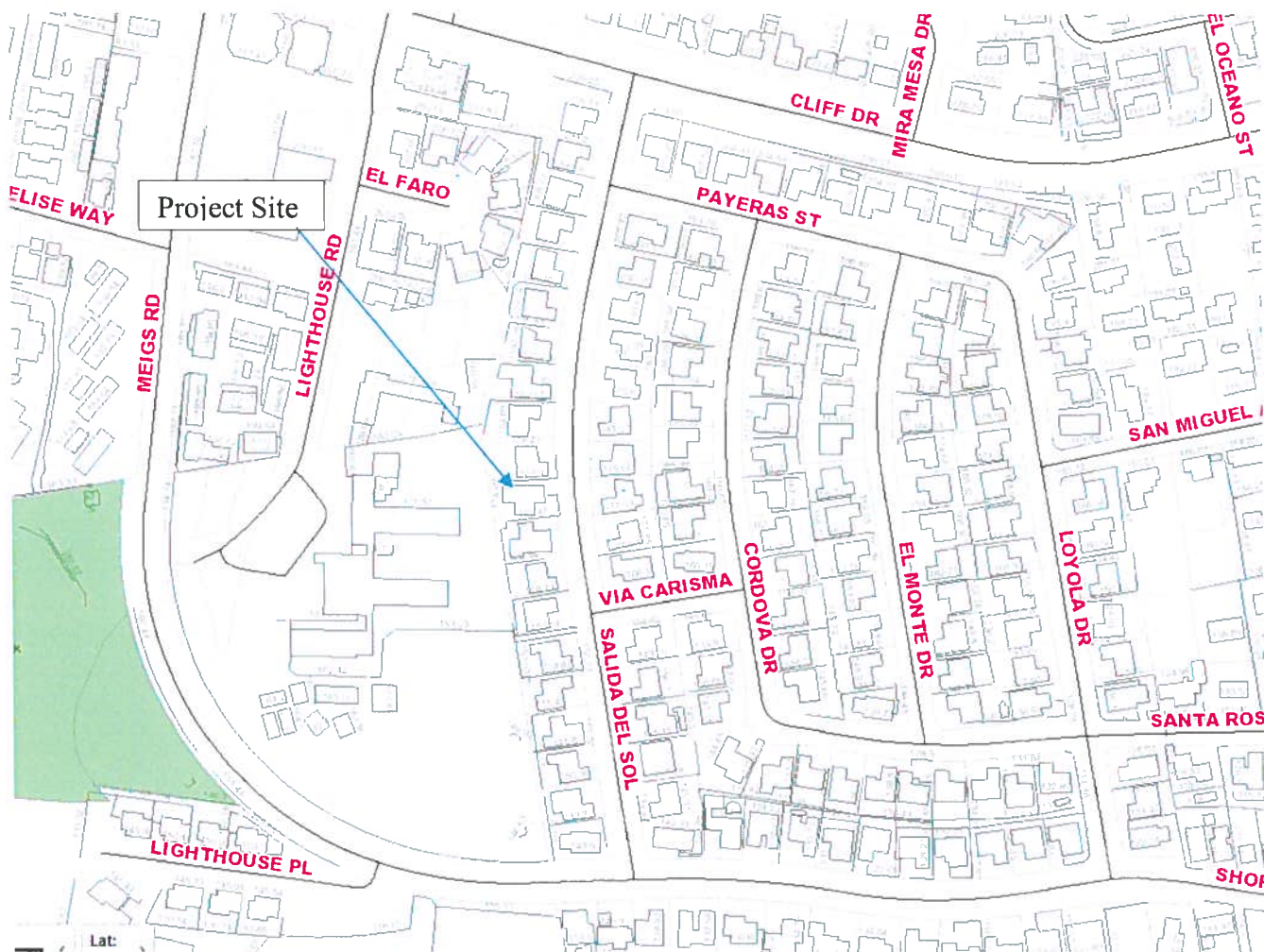
II. REQUIRED APPLICATIONS

The discretionary application required for this project is a Coastal Development Permit (CDP2016-00014) to allow the proposed development in the non-appealable jurisdiction of the City's Coastal Zone (SBMC §28.44).

Pursuant to SBMC §28.44.110, the decision issued by the Staff Hearing Officer does not require a public hearing and is not appealable.

III. RECOMMENDATION

If approved as proposed, the project would conform to the City's Zoning and Building Ordinances and policies of the General Plan and Local Coastal Plan. In addition, the size and massing of the project are consistent with the surrounding neighborhood. Therefore, Staff recommends that the Staff Hearing Officer approve the project, making the findings outlined in Section IX of this report, and subject to the conditions of approval in Exhibit A.



243 Salida del Sol – Vicinity Map

APPLICATION DEEMED COMPLETE:
DATE ACTION REQUIRED :

October 5, 2016
December 4, 2016

IV. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant:	Jarrett Gorin., Vanguard Planning		
Property Owner:	Ann Wilms		
Site Information			
Parcel Number:	045-121-003	Lot Area:	12,575 sq. ft.
General Plan: Residential 5 Units Per Acre	Zoning: E-3/SD-3		
Coastal Land Use Plan: Residential 5 Units Per Acre			
Existing Use: Single Family Residential	Topography: Flat		
Adjacent Land Uses			
North – Single Family Residential		East - Single Family Residential	
South - Single Family Residential		West - Santa Barbara School District	

B. PROJECT STATISTICS

	Existing	Proposed
Living Area	2,227sq. ft.	Convert 600 sq. ft. to a secondary dwelling unit
Garage	398 sq. ft.	No Change
Total	3,225 sq. ft.	No Change

V. BACKGROUND

A Zoning Inspection Report (ZIR2016-00120) was prepared on April 11, 2016, that identified several zoning and building violations including the conversion of a room to a separate dwelling unit with the addition of a kitchen. Subsequently an Enforcement Case was created (ENF2016-00484) to address the violations.

This application will address violations that have been identified in ENF2016-00484 and ZIR2016-00120, including permitting an "as-built" 600 square-foot secondary dwelling unit. Other items that will be abated as part of this application include a 95 square-foot addition, door and window changes, new skylights, and an "as-built" retaining wall varying in height from 2'-2" to 4'-2" with a 3'-3" fence on top.

On August 8, 2016, the Single Family Design Board approved a proposal to permit the "as-built" retaining wall. The combined height exceeds the maximum 3'-6" height requirement and an Administrative Zoning Exception has been requested for the over height wall/fence combination to exceed 3'-6" height within the required 10 foot setback.

The applicant submitted for a Building Permit for the “as-built” changes and was informed that the secondary dwelling unit required a Coastal Development Permit.

VI. ENVIRONMENTAL REVIEW

The proposed project is within the scope of the 2011 General Plan and the program EIR analysis for the General Plan. The project is consistent with the development potential designated and analyzed by the Program EIR. City Staff have reviewed the project and determined that all project-specific environmental effects are substantially mitigated by the imposition of uniformly applied development policies and standards. Therefore, no further environmental analysis is required for this project pursuant to the California Environmental Quality Act (Public Resources Code 21082.3 and CEQA Guideline Section 15183). City Council environmental findings adopted for the General Plan remain applicable for this project.

VII. DESIGN REVIEW

Because the project included a request for an Administrative Zoning Exception to allow a wall to exceed 42” along the front property line, Design Review by the Single Family Design Board was required. The request was reviewed on the SFDB Consent Calendar on August 8, 2016. The Consent reviewer found that the over height wall and fencing was aesthetically appropriate and consistent with the neighborhood character and requested that any exposed CMU north of the driveway be finished to match the retaining wall along the front lot line.

VIII. COMPLIANCE WITH THE COASTAL ACT AND LOCAL COASTAL PLAN

GENERAL PLAN CONSISTENCY

The proposed project is located in the West Mesa neighborhood, as identified in the Land Use Element of the General Plan, and has a land use designation of Residential, five units per acre. This area is recognized as mostly a single-family neighborhood with a commercial center in the area of Cliff Drive and Meigs Road. The commercial area is surrounded by some multi-family uses on the north and some duplex and condominium development on the south. The new unit will be contained within the existing building and will not add to the size or height of the building. Therefore, the addition of a second residential dwelling unit within the existing residence is consistent with the pattern of development in the neighborhood and the addition of the secondary dwelling on the .20-acre lot would not change the density with regard to the General Plan Land Use designation.

The Housing Element encourages the development of secondary dwelling units in an effort to promote a variety of housing opportunities.

LOCAL COASTAL PLAN CONSISTENCY

A Coastal Development Permit is required for the project, which must be found consistent with both the City’s Local Coastal Plan and the California Coastal Act

The project is in Component Two of the LCP, which is located between Arroyo Burro Creek and the westerly boundary of Santa Barbara City College. The LCP states that the primary land use of this area is single-family residential and has very limited additional development potential. The major coastal issues identified for Component Two include hazards of seacliff retreat and flooding, maintaining and providing public access, both vertically and laterally along the bluffs,

preventing overuse of public facilities; protection of recreational access; protection of archaeological resources and the maintenance of existing coastal views and open space.

The project site is not located on the coastal bluff and was not found to be archaeologically sensitive. Public views will not be affected because there are no public view corridors on the project side of the street and there will be no increase to the size or height of the existing structure. Therefore, the project is consistent with the applicable policies of the California Coastal Act and Local Coastal Plan, and all implementing guidelines.

Policy 5.3 of the Local Coastal Plan states that new development in and/or adjacent to existing residential neighborhoods must be compatible in terms of scale, size, and design with the prevailing character of the established neighborhood. New development which would result in an overburdening of public circulation and /or on-street parking resources of existing residential neighborhoods shall not be permitted. This project is consistent with this Policy because no new square footage or size is being added to the building. The new secondary dwelling unit is being constructed within the existing structure and one new off-street parking space will be provided in addition to the existing two-car garage.

Policy 9.1 of the LCP states that existing views to and from, and along the ocean and scenic coastal areas shall be protected, preserved, and enhanced. The addition of this dwelling unit will be within the existing building and not inhibiting existing views to and from or along the ocean or any scenic coastal areas. Therefore, this project is consistent with this Policy of the LCP.

COASTAL ACT CONSISTENCY

The project must also be found consistent with the applicable of the California policies Coastal Act.

California Coastal Act Section 30250 states that new residential development shall be located where adequate public services are provided and shall not have an adverse effect on coastal resources. This new residence is located within an existing residence and there are existing public services available.

Section 30251 states that scenic and visual qualities of coastal areas shall be considered and that development shall be visually compatible with the character of surrounding areas. The project site is currently developed with a two-story residence and the conversion of a portion of the residence will be within the existing structure, therefore, there will be no impact to existing views to and from the ocean, or obstruct scenic view corridors, consistent with applicable policies of the Coastal Act and LCP.

California Coastal Act Section 30252 speaks to maintaining and enhancing public access by providing adequate parking. The project includes one additional off-street parking to accommodate the additional dwelling unit. Therefore, the project can be found consistent with this policy.

For these reasons, staff believes that the proposed project can be found consistent with the applicable policies of the California Coastal Act, the Local Coastal Plan, and all implementing guidelines.

IX. FINDINGS

- A. The Staff Hearing Officer finds that the project qualifies for an exemption from further environmental review under CEQA Guidelines Section 15183, based on the City staff analysis and CEQA certificate of determination on file for this project.

B. COASTAL DEVELOPMENT PERMIT (SBMC §28.44.150)

As discussed in Section VIII. of this Staff Report, this project is consistent with the policies of the California Coastal Act, the City's Local Coastal Plan, all implementing guidelines, and applicable provisions of the Code because: the new secondary dwelling unit would be compatible with the 5existing neighborhood because it is constructed within the existing residence; would not be visible from the beach; would not impact views from public view corridors; would not have any adverse effects on coastal resources; would not impact public access; would not contribute to safety or drainage hazards on the site; and, is not located on a coastal bluff or in an archaeological sensitivity zone.

Exhibits:

- A. Conditions of Approval
- B. Site Plan
- C. Applicant's letter, dated September 20, 2016

STAFF HEARING OFFICER CONDITIONS OF APPROVAL

243 SALIDA DEL SOL

COASTAL DEVELOPMENT PERMIT

OCTOBER 26, 2016

In consideration of the project approval granted by the Staff Hearing Officer and for the benefit of the owner(s) and occupant(s) of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession, and enjoyment of the Real Property:

- A. **Recorded Conditions Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Owner shall execute a written instrument, prepared by staff, which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:
1. **Approved Development.** The development of the Real Property approved by the Staff Hearing Officer on October 26, 2016, is limited to the conversion of 600 square feet of a 2,827 square foot two-story house with an attached 398 square foot garage into a secondary dwelling unit and the improvements shown on the plans signed by the Staff Hearing Officer on said date and on file at the City of Santa Barbara. The living space of the primary residence would be 2,227 square feet.
 2. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
 3. **Recreational Vehicle Storage Limitation.** No recreational vehicles, boats, or trailers shall be stored on the Real Property unless enclosed or concealed from view as approved by the Single Family Design Review Board.
 4. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices intended to intercept siltation and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) in a functioning state (and in accordance with the Operations and Maintenance Procedure Plan prepared in accordance with the Storm Water Management Plan BMP Guidance Manual). Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit or Coastal Development Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.
 5. **Secondary Dwelling Unit Restrictions.**

- a. **Sales Prohibition.** The secondary dwelling unit shall not be sold separately from the primary dwelling unit.
 - b. **Size Restriction.** The secondary dwelling unit is restricted to 600 (net) square feet.
 - c. **Owner Occupancy Required.** The approval for the secondary dwelling unit shall be in effect only so long as either the Primary Dwelling Unit or the secondary dwelling unit is occupied by the owner of the lot on which the secondary dwelling unit is located, except for bona fide temporary absences. The approval shall remain valid if disability or infirmity require the institutionalization of the owner.
 - d. **Unit Removal.** The approval and any conditions imposed by said permit shall lapse upon removal of the secondary dwelling unit.
 - e. **Declarations Binding.** The above declarations are binding upon any successors in ownership of the property; any lack of compliance may result in code enforcement actions including, but not limited to fines and may also require that the Property be redesigned and possibly reconstructed in order to eliminate the secondary dwelling unit and reestablish one single-family dwelling unit.
 - f. **Restrictions Recorded.** The above restrictions shall be controlled by means of a recorded covenant executed by owner and the City to assure compliance over the lifetime of the secondary dwelling unit.
- B. **Public Works Requirements Prior to Building Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following to the Public Works Department for review and approval, prior to the issuance of a Building Permit for the project.
1. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an "*Agreement Assigning Water Extraction Rights.*" Engineering Division Staff will prepare said agreement for the Owner's signature.
- C. **Community Development Requirements with Building or Public Works Permit Application.** The following shall be submitted with the application for any Building or Public Works permit and finalized prior to Building or Public Works Permit issuance:
1. **Required Private Covenants.** The Owner shall submit a copy of the draft private covenants, reciprocal easement agreement, or similar private agreements required for the project.
- D. **Building Permit Plan Requirements.** The following requirements/notes shall be incorporated into the construction plans submitted to the Building and Safety Division for Building permits.

1. **Trash Enclosure Provision.** A trash enclosure with adequate area for recycling containers (an area that allows for a minimum of 50 percent of the total capacity for recycling containers) shall be provided on the Real Property and screened from view from surrounding properties and the street.
2. **Conditions on Plans/Signatures.** The final Staff Hearing Officer Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Archaeologist contract submitted to Community Development Department for review). A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

		Date
Property Owner		
		License No.
Contractor	Date	
		License No.
Architect	Date	
		License No.
Engineer	Date	

- E. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:
1. **Repair Damaged Public Improvements.** Repair any damaged public improvements (curbs, gutters, sidewalks, roadways, etc.) subject to the review and approval of the Public Works Department per SBMC §22.60.090. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
 2. **Cross-Connection Inspection.** The Owner shall request a cross connection inspection by the Public Works Water Reclamation/Cross Connection Specialist.

NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:

Pursuant to Section 28.44.230 of the Santa Barbara Municipal Code, work on the approved development shall commence within two years of the final action on the application, unless a different time is specified in the Coastal Development Permit. Up to three (3) one-year extensions may be granted by the Community Development Director in accordance with the procedures specified in Subsection 28.44.230.B of the Santa Barbara Municipal Code.



City of Santa Barbara

California

***** SEPARATELY DISTRIBUTED SITE PLAN *****

Exhibit A: This site plan for this Staff Report has been distributed separately. A copy of the Staff Report, site plan, and exhibits/attachments are available for viewing at the Planning and Zoning Counter at 630 Garden Street, Santa Barbara, CA between the hours of 8:30 a.m. and 4:30 p.m., Monday through Thursday, and every other Friday.

Please check the City Calendar at www.SantaBarbaraCA.gov to verify closure dates.

EXHIBIT B

September 20, 2016

Ms. Susan Reardon, Staff Hearing Officer
City of Santa Barbara
PO Box 1990
Santa Barbara, CA 93102-1990

Hand Delivered



Page 1 of 3

RE: Secondary Dwelling Unit - 243 Salida Del Sol; APN 045-121-003; E-3/D-3 Zone

Dear Ms. Reardon:

Vanguard Planning Inc. represents Ann Wilms (the "Owner") the owner of the above referenced property (the "Subject Property"). We are seeking approval from the City of Santa Barbara (the "City") per the Municipal Code standards to allow for a secondary dwelling unit. This request will abate a violation identified in the ZIR2016-01938 included in **ATTACHMENT A**.

1.0 BACKGROUND AND PROJECT DESCRIPTION

The original single family residence was built in 1958 and was approximately was 1,600 square feet in size, plus a 400 s.f. attached garage. The Subject Property has an approximate slope of 9% at the driveway, with the lowest grade at the street. The remaining property is relatively flat. In 1984 a permit was issued for a two-story 1,350 s.f. addition at the rear of the property, including a 40 s.f. balcony/deck. Other improvements have been constructed, such as new windows and sliding door to the rear elevation, an additional kitchen, relocation of laundry hook ups, new sinks, a new bathtub, fence/wall, enclosure of a trellis, skylights that were all constructed without permits. To permit these improvements and abate the zoning violations identified in the ZIR, the enclosed plans were developed. The Owner would like to keep the second kitchen area thus would like to make interior alterations to create a second dwelling unit within the existing building. The property and proposed improvements meet the criteria and requirements for a second unit, as described in this letter. The City's Single Family Design Review Board (the "SFDB") reviewed the over-height walls and fence on August 8, 2016 and provided final approval as shown in the minutes in **ATTACHMENT B**.

2.0 REQUEST TO CONSTRUCT A SECONDARY DWELLING UNIT

The proposed project meets the criteria for this project, per the City's Secondary Dwelling Unit Guidelines Checklist, as described in this section.

2.1 Restrictions on Location

Secondary dwelling units are only allowed in one family residential zones on lots greater than 7,000 s.f.

The property is located within a One-Family Residential zone: E-3/D-3. The lot is 8,546 s.f. thus size of the Subject Property exceeds the minimum lot size requirement.

2.2 Unit Restrictions and Requirements

The floor area of the unit cannot exceed 600 s.f., shall not increase the floor area of the primary dwelling over 10%, shall not constitute more than 40% of the combined floor areas and the primary unit shall not have less than 400 s.f.

The proposed secondary unit will be 600 s.f. No additional square footage is necessary to create this second dwelling unit, but rather an interior remodel is proposed. The combined floor area of the proposed primary and secondary dwelling is approximately 26% of the lot area, thus they do not exceed the 40% limit. The existing 2,732 s.f. primary dwelling is proposed to be 2,227 s.f. after the remodel.

The secondary dwelling unit shall consist of a minimum of two (2) and maximum of four (4) rooms, not including the primary dwelling unit; and the total number of rooms shall not be increased by more than two (2) rooms including a bath and kitchen. The secondary unit must include a kitchen and bathroom.

The proposed secondary dwelling unit will consist of four rooms: a bedroom, a bathroom and kitchen and living room. No new bedrooms are proposed, as the proposed bedroom is being removed from the primary residence. The secondary dwelling unit includes a bathroom and kitchen, as proposed.

The secondary dwelling unit must share common wall (s), floor or ceiling and cannot be attached by a breezeway porch.

The proposed attached second dwelling unit would share walls, floor and ceilings with the primary residence.

One (1) covered or uncovered parking space is required for secondary dwelling units, in addition to the required parking for the primary dwelling unit. No modifications will be allowed for required parking, except to encourage housing opportunities for the disabled and handicapped persons. The existing garage or carport cannot be converted to a secondary dwelling unit.

One new uncovered, off street parking space is proposed as part of this project, which is outside of setbacks and thus requires no modifications. The existing two car garage will continue to serve the primary residence. The proposed secondary dwelling unit, is on the ground floor of the two story addition at the rear of the property, thus it is not proposed to be within the existing garage.

Secondary dwelling units are required to have a separate entrance. Current zoning requirements must be used for any new construction.

The entrance to the secondary dwelling unit is located off the rear patio, therefore it has its own separate entrance. The proposed improvement complies with the current zoning laws in effect.

3.0 BENEFITS OF THE PROJECT

The proposed secondary dwelling unit meets the intent and purpose of the zoning laws in place to allow such a unit. The location of the unit and parking space does not require any exceptions or modifications. This unit will create a rental opportunity for a tenant or may provide the owner of the primary residence to house and care for aging parents or other family members. The project will abate zoning violations identified in ZIR2016-01938 and permit as-built improvements. The as-built improvements do not impose on the privacy of the neighboring property, and no neighbors have expressed any other

concerns about these improvements since they have been in place. The location of the proposed secondary dwelling unit, being on the ground floor of the existing two-story addition, is exempt from Design Review. However, as part of the review of the existing over-height wall and fence on the property, the SFDB did review this project, and determined that the improvements were aesthetically appropriate for the neighborhood.

Thank you for taking the time to review this. If you have any questions, feel free to contact me via E-mail at sarah.bronstad@vanguardplanning.com or at (805) 679-3137. I look forward to presenting our proposal in person at our hearing.

Sincerely,

VANGUARD PLANNING LLC



Sarah Bronstad
Associate

ATTACHMENTS

- A. ZIR2016-01938 dated April 11, 2015
- B. SFDB Concept Review Minutes from August 8, 2016

cc: Ann Wilms (via E-mail)

ATTACHMENT A

ZIR2016-01938 dated April 11, 2016



*Note: This form was
substantially amended in
September 2015.*

Zoning Information Report 243 SALIDA DEL SOL ZIR2016-00120

Report Date: 04/11/2016

Expiration Date: 04/11/2017

Prepared by: Betsy Teeter, Planning Technician, BTeeter@SantaBarbaraCA.gov, (805) 564-5470
x4563

I. INTRODUCTION

A Zoning Information Report (ZIR) is required by the City of Santa Barbara on all sales of residential property, with a few exceptions (SBMC §28.87.220). If your property also contains non-residential uses, those uses and related improvements were not inspected as part of this ZIR. The purpose of the ZIR is to provide information to the buyer on residential zoning standards for this property and to identify violations of any City ordinance or law. The ZIR is a good faith effort to provide information based on a site inspection and review of available City records.

The ZIR is a report; it is not an entitlement document or a permit. If there are inconsistencies or errors in this report, or on previous reports or plans, the ZIR cannot be used to legalize any unpermitted construction. Only a building permit with valid city approvals can legalize construction. **The Zoning Inspector is neither a Building Inspector nor a licensed surveyor, and the ZIR will not include a review of compliance with the Building Codes nor confirm the exact location of property lines.** Property lines are an estimate and unless shown on archive plans, the interior or rear property lines are assumed to coincide with any interior or rear fence. City timelines for abatement of major violations is dependent on health and safety concerns and not tied to an escrow period.

II. SITE INSPECTION

On **April 06, 2016**, a site inspection was conducted and the following buildings and structures were observed on the property. Please note that the items described below include all buildings and structures on site at the time of the inspection and **this description is not a determination of the legal status of any buildings or structures on site:**

Two story single family dwelling with attached two car garage. Rear uncovered patio with built-in fireplace.

Laundry room between the family room and the lower floor bedrooms.

Bathroom sink in closet in the hallway to the family room.

Full kitchen in the family room (sink, stove, counter, cabinets, refrigerator and dishwasher).

Upstairs area contains a bedroom, a library and a full bathroom. Side uncovered upper floor deck.

III. VIOLATIONS

MAJOR VIOLATIONS HAVE BEEN IDENTIFIED FOR THIS PROPERTY. READ BELOW.

The violations described below have been identified for this property. Non-permitted dwelling units, non-permitted additions of new floor area or conditioned space, non-permitted removal of required parking, and new non-permitted development on the coastal bluff face are considered major violations. Please note that the property contains one or more major violations and the violations have been referred to the Building and Safety Division for code enforcement. There may be improvements listed below that are minor in nature; however, since there are major violations identified on your property, all violations must be abated concurrently. City timelines for abatement of major violations is dependent on health and safety concerns and not tied to an escrow period.

ZONING VIOLATIONS:

- 1. The rear of the house (family room) has been converted to a separate dwelling unit by the addition of a full kitchen. Only one kitchen is permitted on a property in a single family zone. A deadbolt lock was added to the door to the rear area of the house.*
- 2. The outdoor barbeque encroaches into the required interior setback. storage of items is an encroachment into the required front yard setback.*
- 3. The front built-up patio for the table and chairs is not allowed within the remaining front yard.*
- 4. The fence/wall in the front and along the driveway exceeds the maximum allowable height of three and one half feet when located within a triangular area on either side of a driveway measured as follows: when a driveway directly abuts a portion of a street improved with a sidewalk and a parkway, the triangle is measured on two sides by a distance of ten feet (10') from the side of a driveway and ten feet (10') back from the front lot line.*

BUILDING VIOLATIONS:

- 1. A full kitchen has been installed in the family room at the rear of the house. This is not allowed in this zone. The wall between the family room and the sewing room has been removed to create the kitchen area.*
- 2. The front bedroom has been enlarged at the front (creating new habitable space) and a skylight was added without the required permits. The archive plans show a trellis in this area.*
- 3. The laundry hookups have been removed from the hallway closet near the family room to a room that appears to be a portion of one of the original bedroom. The bedroom wall has been moved to create a smaller bedroom and the new laundry room. All work was done without the required permits.*
- 4. A bathroom sink was added in the hallway closet (originally the laundry area) without the required permit.*
- 5. A bathtub was added in the half bathroom between the lower floor bedrooms.*
- 6. The front wall/fence was added without the required permit.*
- 7. The side exterior door in the kitchen was removed, sliding glass doors were added at the rear of the dining room and a sliding glass door at the rear of the house was replaced with a window. The plans also show side french doors with two full length windows on either side in the family room. The windows have been replaced with standard sized windows. All work was done without the required permits.*

SEE ATTACHED NOTICE OF ENFORCEMENT.

SEE ATTACHED NOTICE OF ENFORCEMENT.

- ☒ Miscellaneous items are stored within the required parking or maneuvering areas and must be removed. Per SBMC§28.90.100.G, the required parking/maneuvering areas must be kept available for the parking of vehicles at all times.
- ☒ Items such as motor vehicles, rubbish, trash receptacles, compost pile, or other similar items are located in one or more of the following areas: front yard, setbacks, or open yard. Storage of items in these areas is prohibited per SBMC§28.87.190.

All questions regarding abatement of the zoning violations should be directed to the City's Planning and Zoning Counter at 630 Garden Street, or (805) 564-5578. All questions regarding building permits or abatement of the building violations should be directed to the City's Building and Safety Counter at 630 Garden Street, or (805) 564-5485. For information on how to apply for a building permit to correct violations, please review the "As-Built Construction Plan Submittal Requirements" available at the Building and Safety Division Counter located at 630 Garden St. or online at: <http://santabarbaraca.gov/services/planning/forms/building.asp>.

IV. PROPERTY DESCRIPTION

Lot Size (Per County Assessor Records): 0.20 Acres; 8,546.46 sq. ft.
Zone (See Attached Zone Req'ts.): E-3/SD-3
Slope (Approximate): 9.00 %

UNIT DESCRIPTION(S):

Unit #: This is a legal dwelling unit with UNPERMITTED floor area or conditioned space

	<u>Legal</u>	<u>Non-Permitted</u>
Bedrooms:	4	0
Full Baths:	2	1
Half Baths:	1	0
Sinks (other than kitchen sinks):	0	2

PARKING:

	<u>Existing on Site</u>	<u>Shown in City Records</u>
Garage:	2	2

Note: All required parking spaces shall be available for parking at all times, and garages shall not be used for storage that prevents access to required parking spaces (SBMC §28.90.060 and §28.90.100.G)

V. PROPERTY ATTRIBUTES

NOTES AND APPROVALS:

City records show the following City discretionary approvals and important notes for this property: (If none, this area will be blank.)

A Notice and Warranty was recorded in 1984 prohibiting the use of the property as a multiple family residence.

PARCEL TAGS:

The following special districts or other attributes of the property are on file for this property: (If none, this area will be blank.)

GMP Development Area

Mesa

School within 300 feet

Washington

VI. EXPIRATION DATE, AMENDMENTS TO THIS ZIR, AND APPEALS

EXPIRATION DATE:

This ZIR is valid until **April 11, 2017**, one year from the Report Date, or until the next transfer of title, whichever occurs first. A one year time extension of this ZIR can be applied for prior to the expiration date of this ZIR. The time extension requires an additional physical inspection and application fee.

AMENDING THE ZIR:

The City encourages property owners to provide any supplemental property information they may have to inform the conclusions of this report. Please contact the preparer of this report within 10 days of the date of this ZIR if you have general questions regarding the findings of this report or want to provide supplemental information to inform the conclusion of this report. Questions related to the abatement of violations can be directed to the appropriate staff noted under the "Violations" section above.

Once violations are corrected on the property, it is not necessary to amend the current ZIR. Either the final approval of the issued building permit will serve as documentation, or when the property is for sale again the subsequent ZIR will show that the violations no longer exist. The new property owner is not required to contact City Staff to amend this report once the violations have been abated.

APPEALS:

If you want to appeal the findings of this ZIR, you must do so within 10 days of the date of this ZIR. To file an appeal, submit a written letter or email to the preparer of this ZIR stating the grounds claimed for the appeal and any supporting documentation on the specific improvement or content in the ZIR that is in dispute. No fee is required for this appeal if it is filed within 10 days of the date of this ZIR. Staff time to research and resolve any appeals filed after the 10-day appeal period may be subject to the hourly rate fee as established by the City Council.

VII. RESOURCES USED FOR THE PREPARATION OF THIS ZIR

<u> ✓ </u>	Archive Plans
<u> ✓ </u>	Street and/or Planning File
<u> </u>	Sanborn Maps
<u> </u>	Aerial Photographs
<u> </u>	Historic Photographs
<u> </u>	City of Santa Barbara Architectural & Historic Resource Survey
<u> </u>	County of Santa Barbara Residential Building Record (Supplied by Property Owner)

The above items can be reviewed at the City's Planning and Zoning Counter located at 630 Garden Street. In addition, the entire contents of the City street and planning files can be viewed online at www.SantaBarbaraCA.gov/PlanningCentral.

For additional information regarding regulations that pertain to properties within the City of Santa Barbara, environmental constraints that may pertain to the property, and the City's review process, please contact the Planning and Zoning Counter at (805) 564-5578 for more information or visit the City's Planning Central webpage at www.SantaBarbaraCA.gov/PlanningCentral.

Zoning Information Report #ZIR2016-00120 was prepared by:

Betsy Teeter, Planning Technician, BTeeter@SantaBarbaraCA.gov, (805) 564-5470 x4563



Signature

April 11, 2016

GENERAL ZONING INFORMATION

Zone Information

The property's Zoning Designation is **E-3/SD-3**. The basic requirements of the property's primary zoning designation(s) are listed below. Always refer to the Municipal Code for complete information. If there are multiple zones, the standards for the more restrictive zone shall apply.

E-3, ONE-FAMILY RESIDENCE ZONE (SBMC§28.15)	
Front Setback	20 feet
Interior & Rear Setback	6 feet
Distance Between Main Buildings	20 feet (Measure per SBMC§28.04.245). For accessory buildings see SBMC §28.04.010 and SBMC §28.87.062.D.
Required Open Yard Area	1,250 sq. ft. + Min. Dimensions + Location + Sloped lot req. + Exceptions
Allowable encroachments	See SBMC§28.87.062
Accessory Buildings	500 square feet (max. cumulative); may not exceed two stories and may not be located in the front yard - See SBMC §28.87.160
Maximum Net Floor Area – Floor to Lot Area Ratio (FAR)	See SBMC §28.15.083 for applicability
Maximum Height Limit	30 feet (Measure per SBMC§28.04.140). (The “Solar Access Ordinance” may further limit the maximum height. See handout and SBMC§28.11).
Required Off-Street Parking Spaces	2 covered or meet exceptions outlined in SBMC§28.90
Secondary Dwelling Unit (Granny Unit)	See “Secondary Dwelling Unit Guidelines” handout and SBMC§28.94.030.Z

NON-RESIDENTIAL USES IN RESIDENTIAL ZONES	
Non-Residential Uses	
Setbacks	Double Setbacks for all non-residential buildings and structures (see exceptions in specific zones)
Lot Coverage	25% of the net lot area may be covered by buildings used for non-residential purposes

SD-3, COASTAL OVERLAY ZONE (SBMC§28.44)

The property is located in the Coastal Zone. State law requires that all changes to the property undergo some type of Coastal permit processing, REGARDLESS OF WHETHER A BUILDING PERMIT IS REQUIRED. Properties located in the Appealable Jurisdiction of the Coastal Zone may require a copy of a geology report that identifies the 50-foot setback from the edge of the coastal bluff and the 75-year seacliff retreat setback area. This information will also be required on the site plan. Please contact the Planning and Zoning Counter at (805) 564-5578 for more information regarding Coastal permit processing.

FENCES, SCREENS, WALLS AND HEDGES:

Santa Barbara Municipal Code §28.87.170 regulates the height of fences, screens walls and hedges based on their location on the property. Plans in City records that show fences, screens, walls or hedges as "existing" do not necessarily legalize such items unless the project description included permitting these items. Over-height hedges that existed prior to 1957 are non-conforming to the height limit. Sufficient evidence must be presented to the Community Development Director in order to determine that the hedge existed in its present location in 1957 and is non-conforming.

VACATION RENTALS:

The conversion of an existing residence to a vacation rental is considered by the Planning Division to be a change-of-use from a residential use to a non-residential use and will require compliance with the following standards described below. A "vacation rental" is a hotel when any building, group of buildings, or portion of a building is occupied for overnight stay by individuals for less than 30 consecutive days (See the definition of "hotel" at SBMC§28.04.395).

1. ALLOWED ZONES. Vacation rentals are allowed in all zones in which hotels are allowed: R-4, C-L, C-P, C-1, C-2, C-M, HRC-1, HRC-2, HRC-2/OC and M-1 Zones. If the property is not located in one of these zones, a vacation rental is not an allowed use in that zone and cannot be permitted.
2. BUSINESS LICENSE. The City of Santa Barbara requires that every person, firm, corporation, partnership or other business organization conducting business within the City obtain a business license. Vacation rental operators must have a business license and pay transient occupancy taxes (TOT). For additional information see <http://www.santabarbaraca.gov/business/license/tot/>
3. GROWTH MANAGEMENT PLAN MINOR AND SMALL ADDITIONS. All legal lots that existed as of December 6, 1989 can be allocated up to 1,000 square feet from the Minor Addition category. Only legal lots that are located within the Downtown Development Area can apply for square footage from the Small Addition category for 1,000 up to 3,000 square feet.
4. PARKING. The parking requirement for a vacation rental is the same as that for hotels: one parking space per sleeping unit (SBMC§28.90.100.J.10). In the case of vacation rentals, a bedroom is considered a sleeping unit.
5. SETBACKS. Buildings must comply with the required setbacks. Non-conforming buildings require approval of zoning modification(s) for a change-of-use in the setbacks.
6. TENANT DISPLACEMENT ASSISTANCE ORDINANCE (SBMC§28.89). Proposals that are limited to the conversion of only one existing residential unit shall comply with the provisions in the Tenant Displacement Assistance Ordinance (TDAO). A sixty (60) day Notice of Intent must be provided prior to filing any application and certification of displacement assistance to all eligible resident households must be provided prior to the issuance of a permit. Projects that involve more than one unit are subject to the Hotel Conversion Ordinance and must comply with the Tenant Protection Provisions outlined in SBMC§28.88.

7. OTHER DEPARTMENTAL REVIEW. The conversion of existing residential units to a vacation rental may require additional upgrades, permits, or review from the City Building and Safety Division, the Fire Department, or Public Works Department. Review all proposals with the Building and Safety Division and Fire Department for any code related questions.

8. ADDITIONAL LIMITATIONS. Be advised that additional limitations may apply related to project location and development history. Please review all records, documents, agreements, associated with your existing site.

DISCRETIONARY REVIEW:

Please be advised that some construction may be subject to design review approval or discretionary review prior to submitting for a building permit. If design review or discretionary review is required, the project will be subject to environmental review, as required by the California Environmental Quality Act (CEQA). If you would like additional information on how or when these processes are required, please contact the Planning and Zoning Counter at (805) 564-5578 for more information or visit our Planning Central webpage at www.SantaBarbaraCA.gov/PlanningCentral.



NOTICE OF ENFORCEMENT

243 SALIDA DEL SOL

Violations have been identified on this property which require immediate abatement. Please refer to Section III of **ZIR2016-00120** for more information.

Enforcement Case

Enforcement case number **ENF2016-00484** has been created and forwarded to:

- ☐ Planning and Zoning: (805) 564-5578
- ☒ Building and Safety: (805) 564-5485

An enforcement officer will be assigned to the case for enforcement of the violations described in this ZIR. To speak with your assigned inspector call the number listed above. Reference the enforcement case number.

Procedural Information

(At 630 Garden Street; online at www.santabarbaraca.gov/forms; or phone number listed above)

1. Planning and Zoning: First, obtain information regarding the applicability of zoning regulations and whether discretionary review is required as part of the abatement of the violations.
2. Building and Safety: Then, obtain building permit information and apply for a building permit to correct violations.

Options

There are several options for abatement of these violations. They include:

- A. The issuance of a building permit (and/or other permits) to allow the improvements to remain, if found to comply with all City Codes and Ordinances. Prior to the issuance of a building permit, discretionary review and approval may be required;
- B. The issuance of a building permit to demolish the improvement; or
- C. A combination of A and B above.

Abatement

The property owner (seller) is responsible for abating these violations in a timely manner. However, if the violations have not been abated by the time escrow closes, the new owner (buyer) becomes responsible for the abatement of the violations.

Failure of the past, present or future owner to abate these violations may result in the refusal to issue building permits, referral to the City Attorney's Office, and ultimately, Superior Court action.

Sewer Lateral Inspection Program Disclosure

The City of Santa Barbara has enacted a program to improve the condition of the private sewer laterals connected to the City's sewer system. Poorly maintained laterals allow rainwater and/or roots into the City's system, causing sewage spills.

(This section to be completed by City Staff)

SITUS ADDRESS: 243 SALIDA DEL SOL
(please print)

Sewer Lateral Condition Disclosure (please check appropriate box)

- ☐ The sewer lateral has an inspection report in the Street File.
☒ There is no sewer lateral inspection report on file.

Advisory – Lateral Repair Required

Sewer laterals extend from buildings or dwellings to the City's sewer main (commonly in the street). The entire length of the pipe sewer lateral to the point where it connects to the City's sewer main is private property, and it is the responsibility of the property owner to maintain the lateral in properly functioning condition at all times. The City of Santa Barbara has enacted a proactive program to identify laterals that are defective, and requires property owners to repair or replace defective laterals.

Advisory – Lateral Inspection Recommended

Prospective buyers of real property served by the City's sewer system are strongly advised to have the sewer lateral inspected by a qualified individual prior to the close of escrow.

Acknowledgement of Advisories

I, _____ the Buyer(s) or my/our authorized agent acknowledge that I have read the above advisories and understand that it is the property owner's responsibility, at his/her sole cost, to maintain the sewer lateral in good condition.

Executed on: _____ (Date).

THIS FORM MUST BE SIGNED, DETACHED AND RETURNED TO:

Wastewater Collection System Project Coordinator
City of Santa Barbara, Public Works Department
P.O. Box 1990
Santa Barbara, CA 93102-1990
FAX #: (805) 568-1021

Please call (805) 568-1010 if you have any further questions regarding the Private Sewer Lateral Inspection Program.

cc: Street File

Receipt of Zoning Information Report
243 SALIDA DEL SOL
ZIR2016-00120

This is to certify that I/We _____, the BUYER(s), or my/our authorized agent has received a copy of the Zoning Information Report. I/we understand that if violations exist on the property, there may be follow-up enforcement of these violations as specified in the Zoning Information Report. If there is an attached Notice of Enforcement, an enforcement case will be created, and follow-up enforcement will begin immediately.

Failure to abate these violations in a timely manner may result in the City's refusal to issue building permits and subsequent enforcement action. As the new owner (buyer), I/we understand that I am/we are responsible for the abatement of the violations.

Executed at _____ on _____.
City Date

I declare the above to be true under penalty of perjury.

Buyer's Name _____
Print Name of Buyer

Signature of Buyer or Authorized Agent

Mailing Address of Buyer (If different from property address)

Pursuant to Santa Barbara Municipal Code Section 28.87.220, a copy of the above referenced Zoning Information Report must be delivered to the buyer of the property no later than three (3) days prior to the transfer of title to the property.

PRIOR TO THE DATE OF TRANSFER OF TITLE
THIS RECEIPT MUST BE SIGNED, DETACHED AND RETURNED TO:

City of Santa Barbara
Planning Division
P.O. Box 1990
Santa Barbara, CA 93102-1990
FAX #: (805) 897-1904



243 Salida Del Sol

01.05.2019

045-021-024 316 LIGHTHOUSE RD

319 SALIDA DEL SOL

045-021-022 314 LIGHTHOUSE RD
312 LIGHTHOUSE RD 045-021-026
310 LIGHTHOUSE RD 308 LIGHTHOUSE RD

308 LIGHTHOUSE RD

313 SALIDA DEL SOL

312 SALIDA DEL SOL

318 SALIDA DEL SOL 045-023-005
315 CORDOVA DR

315 CORDOVA DR

045-021-027
306 LIGHTHOUSE RD
45-021-029

15TH HOUSE RD

045-021-028
304 LIGHTHOUSE RD

045-121-001
307 SALIDA DEL SOL

045-121-002
301 SALIDA DEL SOL

045-121-003
243 SALIDA DEL SOL

045-110-009
290 LIGHTHOUSE RD

045-121-004
237 SALIDA DEL SOL

045-121-005
231 SALIDA DEL SOL

045-121-006
225 SALIDA DEL SOL

045-121-007

045-122-001
300 SALIDA DEL SOL

045-023-007
301 CORDOVA DR

045-122-007
242 SALIDA DEL SOL

045-122-002
245 CORDOVA DR

045-122-006
236 SALIDA DEL SOL

045-122-003
239 CORDOVA DR

045-122-005
1712 VIA CARISMA

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233 CORDOVA D

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045-123-001
045-123-001
219 CORDOVA
220 SALIDA DEL SUL

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MAP DISCLAIMER

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City of Santa Barbara
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This service has been provided to allow a visual display of City information. Every effort has been made to ensure the accuracy of the map and data. The City of Santa Barbara assumes no responsibility arising from the use of this information. THE MAPS AND ASSOCIATED DATA ARE PROVIDED WITHOUT A WARRANTY OF ANY KIND. This map was created using the City of Santa Barbara Mapping Analysis and Printing System application.

Notes

1:938



Legend

- ☐ City Limits
- ☒ Parks
- ☐ Assessor's Parcels - City
- ☐ Pacific Ocean
- ☐ Street Centerlines

ATTACHMENT B

SFDB Consent Review Minutes from August 8, 2016



City of Santa Barbara

Planning Division

SINGLE FAMILY DESIGN BOARD CONSENT MINUTES

Monday, August 8, 2016

David Gebhard Public Meeting Room: 630 Garden Street

11:00 A.M

BOARD MEMBERS:

FRED SWEENEY, *Chair*
BRIAN MILLER, *Vice-Chair*
BERNI BERNSTEIN
LISA JAMES
JOSEPH MOTICHA
DENISE WOOLERY

CITY COUNCIL LIAISON: JASON DOMINGUEZ

PLANNING COMMISSION LIAISON: ADDISON THOMPSON

PLANNING COMMISSION LIAISON (ALTERNATE): MIKE JORDAN

STAFF:

JAIME LIMÓN, Design Review Supervisor
KATIE MAMULSKI, Planning Technician
KATHLEEN GOO, Commission Secretary

Website: www.SantaBarbaraCA.gov

Representatives present: Lisa James and Brian Miller.

Staff present: Katie Mamulski.

REVIEW AFTER FINAL

A. 2118 MOUNT CALVARY RD

A-1 Zone

Assessor's Parcel Number: 021-081-002
Application Number: MST2015-00535
Applicant: Diana Kelly
Designer: Becker Studios Inc.
Owner: Ornella Faccin

(Proposal to remodel the existing 4,442 square foot, one-story, single-family residence including an attached 453 square foot accessory structure, and a detached 625 square foot two-car carport. The proposal involves demolition of a 150 square foot unpermitted sunroom, the demolition of the existing detached carport, and construction of a new 687 square foot detached three-car garage and new open trash enclosure at the rear of the garage. The project also includes draining and decking over the existing pool and spa in the rear yard. The proposed total of 5,583 square feet on a 2.17 acre lot in the Hillside Design District is 100% of the guideline maximum floor-to-lot area ratio [FAR]. The proposal will address all violations identified in Zoning Information Report ZIR2015-00376.)

(Review After Final is requested for a new garage door relocation and garage structural change.)

Final Approval of Review After Final as submitted.

NEW ITEM**B. 2141 RIDGE LN****A-2 Zone**

Assessor's Parcel Number: 025-282-011
Application Number: MST2016-00200
Owner: Brown Family Survivor's Trust
Applicant: Adam Brown

(Proposal to abate violations of ENF2016-00153 for as-built changes to a single family home. As-built changes include a new electrical sub-panel, replacement of door with as-built french doors, an 84 square foot landing and converted garage space. No new construction is proposed. The proposed total of 3,031 square feet on a 15,000 square foot lot is 70% of the guideline maximum floor to-lot-area ratio [FAR].)

(Action may be taken if sufficient information is provided.)

Project Design Approval and Final Approval with the finding that the Neighborhood Preservation Ordinance criteria have been met as stated in Subsection 22.69.050 of the City of Santa Barbara Municipal Code.

The ten-day appeal period was announced.

NEW ITEM**C. 243 SALIDA DEL SOL****E-3/SD-3 Zone**

Assessor's Parcel Number: 045-121-003
Application Number: MST2016-00312
Owner: Ann Bellefeuille Wilms
Applicant: Vanguard Planning, LLC

(Proposal to permit an "as-built" retaining wall varying in height from 2'-2" to 4'-2" and a 3'-3" fence on top of the retaining wall located along the front property line. The combined height exceeds the maximum 3'-6" height requirement and involves a request for an Administrative Zoning Exception to exceed 3'-6" height within the required 10 foot setback. The proposal will also address violations identified within ENF2016-00484 and ZIR2016-00120, including permitting a 600 square foot Secondary Dwelling Unit, an "as-built" 95 square foot addition, door and window changes, new skylights, a new uncovered parking space, and a new retaining wall varying in height to a maximum 26 inches in height.)

(Action may be taken if sufficient information is provided. Applicant is requesting an exception to the fence and screen height standards per SBMC 28.87.170. Determination required for consistency with the neighborhood character.)

Project Design Approval with the finding that the Neighborhood Preservation Ordinance criteria have been met as stated in Subsection 22.69.050 of the City of Santa Barbara Municipal Code, and continued indefinitely to Consent Review with comments:

- 1) The Board finds the over-height walls and fencing aesthetically appropriate and consistent with the neighborhood character.
- 2) The exposed CMU north of the driveway wall shall be finished to match the retaining wall along the front lot line.

The ten-day appeal period was announced.

NEW ITEM**D. 1033 N ONTARE RD****A-1 Zone**

Assessor's Parcel Number: 055-151-003

Application Number: MST2016-00339

Owner: Arnold Edmund Keir and Marguerite Nash

(Proposal for erosion repair for small erosion grooves to be filled with less than 50 cubic yards of grading. The area of repair crosses the property line between 1033 N. Ontare Rd. [25,829 sq. ft.] and 1057 N. Ontare Rd. [56,874 sq. ft.] in the Hillside Design District with a 30% slope.)

(Action may be taken if sufficient information is provided.)

Project Design Approval and Final Approval with the finding that the Neighborhood Preservation Ordinance criteria have been met as stated in Subsection 22.69.050 of the City of Santa Barbara Municipal Code.

The ten-day appeal period was announced.

<*End Mins.*>